

Calendar No. 627

108TH CONGRESS
2D SESSION**S. 1467****[Report No. 108–303]**

To establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, (legislative day, JULY 21), 2003

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 13, 2004

Reported by Mr. DOMENICI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rio Grande Out-
5 standing Natural Area Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds as follows:

3 (1) Preservation and restoration of the land in
4 the Area are required to preserve the Area's unique
5 scientific, scenic beauty, educational, and environ-
6 mental values, including unique land forms, scenic
7 beauty, cultural sites, and habitats used by various
8 species of raptors and other birds, mammals, rep-
9 tiles, and amphibians.

10 (2) There are archaeological and historic sites
11 in the Area resulting from at least 10,000 years of
12 use for subsistence and commerce.

13 (3) The archaeological sites represent regional
14 ancestry, including Paleo-Indian and nomadic bands
15 of Ute and Apache.

16 (4) The Area contains exceptional scenic values
17 and opportunities for wildlife viewing.

18 (5) Approximately 2,771 acres of land within
19 the Area are owned by the United States and admin-
20 istered by the Secretary, acting through the Director
21 of the Bureau of Land Management, and approxi-
22 mately 7,885 acres of land within the Area are
23 owned by private landowners.

24 (6) The Area is located downstream from areas
25 in Colorado of significant and longstanding water
26 development and use.

1 (7) The availability of water for use in Colorado
2 is governed, in significant part, by the Compact,
3 which obligates the State of Colorado to deliver cer-
4 tain quantities of water to the Colorado-New Mexico
5 State line for the benefit of the States of New Mex-
6 ico and Texas in accordance with the terms of the
7 Compact.

8 (8) Because of the allocations of water made by
9 the Compact to downstream States, the levels of use
10 and development of water in Colorado, and the un-
11 predictable and seasonal nature of the water supply,
12 the Secretary shall manage the land within the Area
13 to accomplish the purposes of this Act without as-
14 serting reserved water rights for instream flows or
15 appropriating or acquiring water rights for that pur-
16 pose.

17 (b) PURPOSES.—The purposes of this Act are to con-
18 serve, restore, and protect for future generations the nat-
19 ural, ecological, historic, scenic, recreational, wildlife, and
20 environmental resources of the Area.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) AREA.—The term “Area” means the Rio
24 Grande Outstanding Natural Area established under
25 section 4.

1 (2) AREA MANAGEMENT PLAN.—The term
2 “Area Management Plan” means the plan developed
3 by the Commission in cooperation with Federal,
4 State, and local agencies and approved by the Sec-
5 retary.

6 (3) COMMISSION.—The term “Commission”
7 means the Rio Grande Outstanding Natural Area
8 Commission as established in this Act.

9 (4) COMPACT.—The term “Compact” means
10 the Rio Grande Compact, consented to by Congress
11 in the Act of May 31, 1939 (53 Stat. 785, chapter
12 155).

13 (5) MAP.—The term “Map” means the map en-
14 titled “____”, dated _____, and numbered _____.

15 (6) PUBLIC LANDS.—The term “public lands”
16 has the meaning given that term in section 103 of
17 the Federal Land Policy and Management Act of
18 1976 (43 U.S.C. 1702).

19 (7) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (8) STATE.—The term “State” means the State
22 of Colorado.

23 **SEC. 4. ESTABLISHMENT OF AREA.**

24 (a) IN GENERAL.—There is established the Rio
25 Grande Outstanding Natural Area.

1 (b) BOUNDARIES.—The Area shall consist of approxi-
2 mately 10,656 acres extending for a distance of 33.3 miles
3 along the Rio Grande River in southern Colorado from the
4 southern boundary of the Alamosa National Wildlife Ref-
5 uge to the Colorado-New Mexico State line, encompassing
6 the Rio Grande River and its adjacent riparian areas ex-
7 tending not more than 1,320 feet on either side of the
8 river.

9 (c) MAP AND LEGAL DESCRIPTION.—

10 (1) LEGAL DESCRIPTION.—As soon as prac-
11 ticable after the date of enactment of this Act, the
12 Secretary shall file a legal description of the Area in
13 the office of the Director of the Bureau of Land
14 Management, Department of the Interior, in Wash-
15 ington, District of Columbia, and the Office of the
16 Colorado State Director of the Bureau of Land
17 Management.

18 (2) FORCE AND EFFECT.—The Map and legal
19 description of the Area shall have the same force
20 and effect as if they were included in this Act, ex-
21 cept that the Secretary may correct clerical and ty-
22 pographical errors in such legal description as they
23 may appear from time to time.

24 (3) PUBLIC AVAILABILITY.—The Map and legal
25 description of the Area shall be available for public

1 inspection in the office of the Colorado State Direc-
2 tor of the Bureau of Land Management, Depart-
3 ment of the Interior in Denver, Colorado.

4 **SEC. 5. COMMISSION.**

5 (a) ESTABLISHMENT.—There is hereby established
6 the Rio Grande Outstanding Natural Area Commission.

7 (b) PURPOSE.—The Commission shall assist appro-
8 priate Federal, State, and local authorities in the develop-
9 ment and implementation of an integrated resource man-
10 agement plan for the Area called the Area Management
11 Plan.

12 (c) MEMBERSHIP.—The Commission shall be com-
13 posed of 9 members, designated or appointed not later
14 than 6 months after the date of the enactment of this Act
15 as follows:

16 (1) 2 officials of Department of the Interior
17 designated by the Secretary, 1 of whom shall rep-
18 resent the Federal agency responsible for the man-
19 agement of the Area and 1 of whom shall be the
20 manager of the Alamosa National Wildlife Refuge.

21 (2) 2 individuals appointed by the Secretary, 1
22 of whom shall be based on the recommendation of
23 the State Governor, representing the Colorado Divi-
24 sion of Wildlife, and 1 representing the Colorado Di-

1 vision of Water Resources responsible for the Rio
2 Grande drainage.

3 ~~(3)~~ 1 representative of the Rio Grande Water
4 Conservation District appointed by the Secretary
5 based on the recommendation of the State Governor,
6 representing the local region in which the Area is es-
7 tablished.

8 ~~(4)~~ 4 individuals appointed by the Secretary
9 based on recommendations of the State Governor,
10 representing the general public who are citizens of
11 the State and of the local region in which the Area
12 is established, who have knowledge and experience in
13 the appropriate fields of interest relating to the pres-
14 ervation and restoration and use of the Area. 2 ap-
15 pointees from the local area shall represent non-
16 governmental agricultural interests and 2 appointees
17 from the local area shall represent nonprofit non-
18 governmental environmental interests.

19 ~~(d) TERMS.—~~Members shall be appointed for terms
20 of 5 years and may be reappointed.

21 ~~(e) COMPENSATION.—~~Members of the Commission
22 shall receive no pay on account of their service on the
23 Commission.

24 ~~(f) CHAIRPERSON.—~~The chairperson of the Commis-
25 sion shall be elected by the members of the Commission.

1 ~~(g) MEETINGS.—The Commission shall hold its first~~
 2 ~~meeting not later than 90 days after the date on which~~
 3 ~~the last of its initial members is appointed, and shall meet~~
 4 ~~at least quarterly at the call of the chairperson.~~

5 **SEC. 6. POWERS OF THE COMMISSION.**

6 ~~(a) HEARINGS.—The Commission may hold such~~
 7 ~~hearings, sit and act at such times and places, take such~~
 8 ~~testimony, and receive such evidence, as the Commission~~
 9 ~~considers appropriate.~~

10 ~~(b) POWERS OF MEMBERS AND AGENTS.—Any mem-~~
 11 ~~ber or agent of the Commission, if so authorized by the~~
 12 ~~Commission, may take any action which the Commission~~
 13 ~~is authorized to take by this Act.~~

14 ~~(c) ACQUISITION OF REAL PROPERTY.—Except as~~
 15 ~~provided in section 12, the Commission may not acquire~~
 16 ~~any real property or interest in real property.~~

17 ~~(d) COOPERATIVE AGREEMENTS.—For purposes of~~
 18 ~~carrying out the Area Management Plan, the Commission~~
 19 ~~may enter into cooperative agreements with the State,~~
 20 ~~with any political subdivision of the State, or with any per-~~
 21 ~~son. Any such cooperative agreement shall, at a minimum,~~
 22 ~~establish procedures for providing notice to the Commis-~~
 23 ~~sion of any action proposed by the State, a political sub-~~
 24 ~~division, or a person which may affect the implementation~~
 25 ~~of the Area Management Plan.~~

1 **SEC. 7. DUTIES OF THE COMMISSION.**

2 (a) **PREPARATION OF PLAN.**—Not later than 2 years
3 after the Commission conducts its first meeting, it shall
4 submit to the Secretary an Area Management Plan. The
5 Area Management Plan shall be—

6 (1) based on existing Federal, State, and local
7 plans, but shall coordinate those plans and present
8 a unified preservation, restoration, and conservation
9 plan for the Area;

10 (2) developed in accordance with the provisions
11 of section 202 of the Federal Land Policy and Man-
12 agement Act of 1976 (43 U.S.C. 1712); and

13 (3) consistent, to the extent possible, with the
14 management plans adopted by the Director of the
15 Bureau of Land Management for adjacent properties
16 in Colorado and New Mexico.

17 (b) **CONTENTS.**—The Area Management Plan shall
18 include the following:

19 (1) An inventory which includes any property in
20 the Area which should be preserved, restored, man-
21 aged, developed, maintained, or acquired because of
22 its natural, scientific, scenic, or environmental sig-
23 nificance.

24 (2) Recommended policies for resource manage-
25 ment which consider and detail the application of
26 appropriate land and water management techniques;

1 including the development of intergovernmental co-
 2 operative agreements, that will protect the Area's
 3 natural, scenic, and wildlife resources and environ-
 4 ment.

5 (3) Recommended policies for resource manage-
 6 ment to provide for protection of the Area for soli-
 7 tude, quiet use, and pristine natural values.

8 (c) IMPLEMENTATION OF THE PLAN.—Upon ap-
 9 proval of the Area Management Plan by the Secretary,
 10 as provided in section 9, the Commission shall assist the
 11 Secretary in implementing the Area Management Plan by
 12 taking appropriate steps to preserve and interpret the nat-
 13 ural resources of the Area and its surrounding area. These
 14 steps may include the following:

15 (1) Assisting the State in preserving the Area.

16 (2) Assisting the State and local governments,
 17 and political subdivisions of the State in increasing
 18 public awareness of and appreciation for the natural,
 19 historical, and wildlife resources in the Area.

20 (3) Encouraging local governments and political
 21 subdivisions of the State to adopt land use policies
 22 consistent with the management of the Area and the
 23 goals of the Area Management Plan, and to take ac-
 24 tions to implement those policies.

1 (4) Encouraging and assisting private land-
 2 owners within the Area in understanding and accept-
 3 ing the provisions of the Area Management Plan and
 4 cooperating in its implementation.

5 **SEC. 8. TERMINATION OF THE COMMISSION.**

6 (a) **TERMINATION.**—Except as provided in subsection
 7 (b), the Commission shall terminate 10 years and 6
 8 months after the date of the enactment of this Act.

9 (b) **EXTENSIONS.**—The Commission may be extended
 10 for a period of not more than 5 years beginning on the
 11 day of termination specified in subsection (a) if, not later
 12 than 180 days before that day, the Commission—

13 (1) determines that such an extension is nec-
 14 essary in order to carry out the purpose of this Act;
 15 and

16 (2) submits such proposed extension to the
 17 Committee on Resources of the House of Represent-
 18 atives and the Committee on Energy and Natural
 19 Resources of the Senate.

20 **SEC. 9. ADMINISTRATION BY SECRETARY.**

21 (a) **PLAN APPROVAL; PUBLICATION.**—Not later than
 22 60 days after the Secretary receives a proposed manage-
 23 ment plan from the Commission, the Secretary, with the
 24 assistance of the Commission, shall initiate the environ-
 25 mental compliance activities which the Secretary deter-

1 mines to be appropriate in order to allow the review of
2 the proposed plan and any alternatives thereto and to
3 allow public participation in the environmental compliance
4 activities. Thereafter, the Secretary shall approve an Area
5 Management Plan for the Area consistent with the Com-
6 mission's proposed plan to the extent possible; that re-
7 flects the results of the environmental compliance activi-
8 ties undertaken. Not later than 18 months after the Sec-
9 retary receives the proposed management plan, the Sec-
10 retary shall publish the Area Management Plan in the
11 Federal Register.

12 (b) ADMINISTRATION.—The Secretary shall admin-
13 ister the lands owned by the United States within the Area
14 in accordance with the laws and regulations applicable to
15 public lands and the Area Management Plan in such a
16 manner as shall provide for the following:

17 (1) The conservation, restoration, and protec-
18 tion of the Area's unique scientific, scenic, edu-
19 cational, recreational, and wildlife values.

20 (2) The continued use of the Area for purposes
21 of education, scientific study, and limited public
22 recreation in a manner that does not substantially
23 impair the purposes for which the Area is estab-
24 lished.

1 ~~(3) The protection of the wildlife habitat of the~~
2 ~~Area.~~

3 ~~(4) The elimination of opportunities to con-~~
4 ~~struct water storage facilities within the Area.~~

5 ~~(5) The reduction or elimination of roads and~~
6 ~~motorized vehicles from the public lands to the~~
7 ~~greatest extent possible within the Area.~~

8 ~~(6) The elimination of roads and motorized use~~
9 ~~on the public lands within the area on the western~~
10 ~~side of the river from Lobatos Bridge south to the~~
11 ~~State line.~~

12 ~~(c) NO RESERVATION OF WATER RIGHTS.—Public~~
13 ~~lands affected by this Act shall not be subject to reserved~~
14 ~~water rights for any Federal purpose.~~

15 ~~(d) CHANGES IN STREAMFLOW REGIME.—To the ex-~~
16 ~~tent that changes to the streamflow regime beneficial to~~
17 ~~the Area can be accommodated through negotiation with~~
18 ~~the State of Colorado, the Rio Grande Water Conservation~~
19 ~~District, and water users within Colorado, such changes~~
20 ~~should be encouraged, but may not be imposed as a re-~~
21 ~~quirement.~~

22 ~~(e) PRIVATE LANDS.—Private lands within the Area~~
23 ~~will be affected by the designation and management of the~~
24 ~~Area only to the extent that the private landowner agrees~~
25 ~~in writing to be bound by the Area Management Plan.~~

1 **SEC. 10. MANAGEMENT.**

2 ~~(a) AREA MANAGEMENT PLAN.—~~

3 ~~(1) IN GENERAL.—The Secretary shall imple-~~
4 ~~ment the Area Management Plan for all of the land~~
5 ~~within the Area that accomplishes the purposes of~~
6 ~~and is consistent with the provisions of this Act.~~

7 ~~(2) NON-FEDERAL LAND.—The Area Manage-~~
8 ~~ment Plan shall apply to all land within the Area~~
9 ~~owned by the United States and may be made to~~
10 ~~apply to non-Federal land within the Area only when~~
11 ~~written acceptance of the Area Management Plan is~~
12 ~~given by the owners of such land.~~

13 ~~(b) COORDINATION WITH STATE AND LOCAL GOV-~~
14 ~~ERNMENTS.—The Area Management Plan shall be devel-~~
15 ~~oped and adopted in coordination with the appropriate~~
16 ~~State agencies and local governments in Colorado.~~

17 ~~(c) COOPERATION BY PRIVATE LANDOWNERS.—In~~
18 ~~implementing the Area Management Plan, the Secretary~~
19 ~~shall encourage full public participation and seek the co-~~
20 ~~operation of all private landowners within the Area, re-~~
21 ~~gardless of whether the landowners are directly or indi-~~
22 ~~rectly affected by the Area Management Plan. If accepted~~
23 ~~by private landowners, in writing, the provisions of the~~
24 ~~Area Management Plan may be applied to the individual~~
25 ~~parcels of private land.~~

1 (d) **NEW IMPOUNDMENTS.**—In managing the Area,
 2 neither the Secretary nor any other Federal agency or offi-
 3 cer may approve or issue any permit for, or provide any
 4 assistance for, the construction of any new dam, reservoir,
 5 or impoundment on any segment of the Rio Grande River
 6 or its tributaries within the exterior boundaries of the
 7 Area.

8 **SEC. 11. RESTORATION TO PUBLIC LANDS STATUS.**

9 (a) **EXISTING RESERVATIONS.**—All reservations of
 10 public lands within the Area for Federal purposes that
 11 have been made by an Act of Congress or Executive order
 12 prior to the date of enactment of this Act are revoked.

13 (b) **PUBLIC LANDS.**—Subject to subsection (c), pub-
 14 lie lands within the Area that were subject to a reservation
 15 described in subsection (a)—

16 (1) are restored to the status of public lands;
 17 and

18 (2) shall be administered in accordance with the
 19 Area Management Plan.

20 (c) **WITHDRAWAL.**—All public lands within the Area
 21 are withdrawn from settlement, sale, location, entry, or
 22 disposal under the laws applicable to public lands, includ-
 23 ing the following:

24 (1) Sections 910, 2318 through 2340, and 2343
 25 through 2346 of the Revised Statutes (commonly

1 known as the “General Mining Law, of 1872”) (30
 2 U.S.C. 21, 22, 23, 24, 26 through 30, 33 through
 3 43, 46 through 48, 50 through 53).

4 (2) The Mining and Minerals Policy Act of
 5 1970 (30 U.S.C. 21a).

6 (3) The Act of April 26, 1882 (22 Stat. 49,
 7 chapter 106; 30 U.S.C. 25, 31).

8 (4) Public Law 85–876 (30 U.S.C. 28–1, 28–
 9 2).

10 (5) The Act of June 21, 1949 (63 Stat. 214,
 11 chapter 232; 30 U.S.C. 28b through 28e, 54).

12 (6) The Act of March 3, 1991 (21 Stat. 505,
 13 chapter 140; 30 U.S.C. 32).

14 (7) The Act of May 5, 1876 (19 Stat. 52, chap-
 15 ter 91; 30 U.S.C. 49).

16 (8) Sections 15, 16, and 26 of the Act of June
 17 6, 1990 (31 Stat. 327, 328, 329, chapter 786; 30
 18 U.S.C. 49a, 49e, 49d).

19 (9) Section 2 of the Act of May 4, 1934 (48
 20 Stat. 1243, chapter 2559; 30 U.S.C. 49e, 49f).

21 (10) The Act entitled “An Act to promote the
 22 mining of coal, phosphate, oil, oil shale, gas, and so-
 23 dium on the public domain”, approved February 25,
 24 1920 (commonly known as the “Mineral Lands
 25 Leasing Act of 1920”; 30 U.S.C. 181 et seq.).

1 (11) The Act entitled “An Act to provide for
2 the disposal of materials on public lands of the
3 United States”, approved July 31, 1947 (commonly
4 known as the “Materials Act of 1947”, 30 U.S.C.
5 601 et seq.).

6 (d) WILD AND SCENIC RIVERS.—No land or water
7 within the Area shall be designated as a wild, scenic, or
8 recreational river under section 2 of the Wild and Scenic
9 Rivers Act (16 U.S.C. 1273).

10 **SEC. 12. ACQUISITION OF NON-FEDERAL LANDS.**

11 (a) ACQUISITION OF LANDS NOT CURRENTLY IN
12 FEDERAL OWNERSHIP.—The Secretary, with the coopera-
13 tion and assistance of the Commission, may acquire by
14 purchase, exchange, or donation all or any part of the land
15 and interests in land, including conservation easements,
16 within the Area from willing sellers only.

17 (b) ADMINISTRATION.—Any lands and interests in
18 lands acquired under this section—

19 (1) shall be administered in accordance with the
20 Area Management Plan;

21 (2) shall not be subject to reserved water rights
22 for any Federal purpose, nor shall the acquisition of
23 the land authorize the Secretary or any Federal
24 agency to acquire instream flows in the Rio Grande
25 River at any place within the Area;

1 ~~(3)~~ shall become public lands; and

2 ~~(4)~~ shall upon acquisition be immediately with-
3 drawn as provided in section ~~11~~.

4 **SEC. 13. STATE INSTREAM FLOW PROTECTION AUTHOR-**
5 **IZED.**

6 Nothing in this Act shall be construed to prevent the
7 State from acquiring an instream flow through the Area
8 pursuant to the terms, conditions, and limitations of Colo-
9 rado law to assist in protecting the natural environment
10 to the extent and for the purposes authorized by Colorado
11 law.

12 **SEC. 14. RULE OF CONSTRUCTION.**

13 Nothing in this Act shall be construed to—

14 ~~(1)~~ authorize, expressly or by implication, the
15 appropriation or reservation of water by any Federal
16 agency, or any other entity or individual other than
17 the State of Colorado, for any instream flow purpose
18 associated with the Area;

19 ~~(2)~~ affect the rights or jurisdiction of the
20 United States, a State, or any other entity over wa-
21 ters of any river or stream or over any ground water
22 resource;

23 ~~(3)~~ alter, amend, repeal, interpret, modify, or
24 be in conflict with the Compact;

1 (4) alter or establish the respective rights of
2 any State, the United States, or any person with re-
3 spect to any water or water-related right;

4 (5) impede the maintenance of the free-flowing
5 nature of the waters in the Area so as to protect—

6 (A) the ability of the State of Colorado to
7 fulfill its obligations under the Compact; or

8 (B) the riparian habitat within the Area;

9 (6) allow the conditioning of Federal permits;
10 permissions, licenses, or approvals to require the by-
11 pass or release of waters appropriated pursuant to
12 State law to protect, enhance, or alter the water
13 flows through the Area;

14 (7) affect the continuing use and operation, re-
15 pair, rehabilitation, expansion, or new construction
16 of water supply facilities, water and wastewater
17 treatment facilities, stormwater facilities, public util-
18 ities, and common carriers along the Rio Grande
19 River and its tributaries upstream of the Area;

20 (8) impose any Federal or State water use des-
21 ignation or water quality standard upon uses of, or
22 discharges to, waters of the State or waters of the
23 United States, within or upstream of the Area, that
24 is more restrictive than those that would be applica-
25 ble had the Area not been established; or

1 (9) modify, alter, or amend title I of the Rec-
 2 lamation Project Authorizing Act of 1972, as
 3 amended (Public Law 92–514, 86 Stat. 964; Public
 4 Law 96–375, 94 Stat. 1507; Public Law 98–570, 98
 5 Stat. 2941; and Public Law 100–516, 100 Stat.
 6 257), or to authorize the Secretary to acquire water
 7 from other sources for delivery to the Rio Grande
 8 River pursuant to section 102(e) of such title.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Rio Grande Natural*
 11 *Area Act”.*

12 **SEC. 2. DEFINITIONS.**

13 *In this Act:*

14 (1) **COMMISSION.**—*The term “Commission”*
 15 *means the Rio Grande Natural Area Commission es-*
 16 *tablished by section 4(a).*

17 (2) **NATURAL AREA.**—*The term “Natural Area”*
 18 *means the Rio Grande Natural Area established by*
 19 *section 3(a).*

20 (3) **SECRETARY.**—*The term “Secretary” means*
 21 *the Secretary of the Interior.*

22 **SEC. 3. ESTABLISHMENT OF RIO GRANDE NATURAL AREA.**

23 (a) **IN GENERAL.**—*There is established the Rio Grande*
 24 *Natural Area in the State of Colorado to conserve, restore,*

1 *and protect the natural, historic, cultural, scientific, scenic,*
 2 *wildlife, and recreational resources of the Natural Area.*

3 (b) *BOUNDARIES.*—*The Natural Area shall include the*
 4 *Rio Grande River from the southern boundary of the*
 5 *Alamosa National Wildlife Refuge to the New Mexico State*
 6 *border, extending 1/4 mile on either side of the bank of the*
 7 *River.*

8 (c) *MAP AND LEGAL DESCRIPTION.*—

9 (1) *IN GENERAL.*—*As soon as practicable after*
 10 *the date of enactment of this Act, the Secretary shall*
 11 *prepare a map and legal description of the Natural*
 12 *Area.*

13 (2) *EFFECT.*—*The map and legal description of*
 14 *the Natural Area shall have the same force and effect*
 15 *as if included in this Act, except that the Secretary*
 16 *may correct any minor errors in the map and legal*
 17 *description.*

18 (3) *PUBLIC AVAILABILITY.*—*The map and legal*
 19 *description of the Natural Area shall be available for*
 20 *public inspection in the appropriate offices of the Bu-*
 21 *reau of Land Management.*

22 **SEC. 4. ESTABLISHMENT OF THE COMMISSION.**

23 (a) *ESTABLISHMENT.*—*There is established the Rio*
 24 *Grande Natural Area Commission.*

25 (b) *PURPOSE.*—*The Commission shall—*

1 (1) *advise the Secretary with respect to the Nat-*
 2 *ural Area; and*

3 (2) *prepare a management plan relating to non-*
 4 *Federal land in the Natural Area under section*
 5 *6(b)(2)(A).*

6 (c) *MEMBERSHIP.—The Commission shall be composed*
 7 *of 9 members appointed by the Secretary, of whom—*

8 (1) *1 member shall represent the Colorado State*
 9 *Director of the Bureau of Land Management;*

10 (2) *1 member shall be the manager of the*
 11 *Alamosa National Wildlife Refuge, ex officio;*

12 (3) *3 members shall be appointed based on the*
 13 *recommendation of the Governor of Colorado, of*
 14 *whom—*

15 (A) *1 member shall represent the Colorado*
 16 *Division of Wildlife;*

17 (B) *1 member shall represent the Colorado*
 18 *Division of Water Resources; and*

19 (C) *1 member shall represent the Rio*
 20 *Grande Water Conservation District; and*

21 (4) *4 members shall—*

22 (A) *represent the general public;*

23 (B) *be citizens of the local region in which*
 24 *the Natural Area is established; and*

1 (C) have knowledge and experience in the
 2 fields of interest relating to the preservation, res-
 3 toration, and use of the Natural Area.

4 (d) *TERMS OF OFFICE.*—

5 (1) *IN GENERAL.*—Except for the manager of the
 6 Alamosa National Wildlife Refuge, the term of office
 7 of a member of the Commission shall be 5 years.

8 (2) *REAPPOINTMENT.*—A member may be re-
 9 appointed to the Commission on completion of the
 10 term of office of the member.

11 (e) *COMPENSATION.*—A member of the Commission
 12 shall serve without compensation for service on the Commis-
 13 sion.

14 (f) *CHAIRPERSON.*—The Commission shall elect a
 15 chairperson of the Commission.

16 (g) *MEETINGS.*—

17 (1) *IN GENERAL.*—The Commission shall meet at
 18 least quarterly at the call of the chairperson.

19 (2) *PUBLIC MEETINGS.*—A meeting of the Com-
 20 mission shall be open to the public.

21 (3) *NOTICE.*—Notice of any meeting of the Com-
 22 mission shall be published in advance of the meeting.

23 (h) *TECHNICAL ASSISTANCE.*—The Secretary and the
 24 heads of other Federal agencies shall, to the maximum ex-
 25 tent practicable, provide any information and technical

1 *services requested by the Commission to assist in carrying*
 2 *out the duties of the Commission.*

3 **SEC. 5. POWERS OF THE COMMISSION.**

4 *(a) HEARINGS.—The Commission may hold such hear-*
 5 *ings, meet and act at such times and places, take such testi-*
 6 *mony, and receive such evidence as the Commission con-*
 7 *siders advisable to carry out this Act.*

8 *(b) COOPERATIVE AGREEMENTS.—*

9 *(1) IN GENERAL.—For purposes of carrying out*
 10 *the management plan on non-Federal land in the*
 11 *Natural Area, the Commission may enter into a coop-*
 12 *erative agreement with the State of Colorado, a polit-*
 13 *ical subdivision of the State, or any person.*

14 *(2) REQUIREMENTS.—A cooperative agreement*
 15 *entered into under paragraph (1) shall establish pro-*
 16 *cedures for providing notice to the Commission of any*
 17 *action proposed by the State of Colorado, a political*
 18 *subdivision of the State, or any person that may af-*
 19 *fect the implementation of the management plan on*
 20 *non-Federal land in the Natural Area.*

21 *(3) EFFECT.—A cooperative agreement entered*
 22 *into under paragraph (1) shall not enlarge or dimin-*
 23 *ish any right or duty of a Federal agency under Fed-*
 24 *eral law.*

1 (c) *PROHIBITION OF ACQUISITION OF REAL PROP-*
 2 *ERTY.—The Commission may not acquire any real prop-*
 3 *erty or interest in real property.*

4 (d) *IMPLEMENTATION OF MANAGEMENT PLAN.—*

5 (1) *IN GENERAL.—The Commission shall assist*
 6 *the Secretary in implementing the management plan*
 7 *by carrying out the activities described in paragraph*
 8 *(2) to preserve and interpret the natural, historic,*
 9 *cultural, scientific, scenic, wildlife, and recreational*
 10 *resources of the Natural Area.*

11 (2) *AUTHORIZED ACTIVITIES.—In assisting with*
 12 *the implementation of the management plan under*
 13 *paragraph (1), the Commission may—*

14 (A) *assist the State of Colorado in pre-*
 15 *serving State land and wildlife within the Nat-*
 16 *ural Area;*

17 (B) *assist the State of Colorado and polit-*
 18 *ical subdivisions of the State in increasing pub-*
 19 *lic awareness of, and appreciation for, the nat-*
 20 *ural, historic, scientific, scenic, wildlife, and rec-*
 21 *reational resources in the Natural Area;*

22 (C) *encourage political subdivisions of the*
 23 *State of Colorado to adopt and implement land*
 24 *use policies that are consistent with—*

- 1 (i) *the management of the Natural*
 2 *Area; and*
 3 (ii) *the management plan; and*
 4 (D) *encourage and assist private land-*
 5 *owners in the Natural Area in the implementa-*
 6 *tion of the management plan.*

7 **SEC. 6. MANAGEMENT PLAN.**

8 (a) *IN GENERAL.*—*Not later than 4 years after the*
 9 *date of enactment of this Act, the Secretary and the Com-*
 10 *mission, in coordination with appropriate agencies in the*
 11 *State of Colorado, political subdivisions of the State, and*
 12 *private landowners in the Natural Area, shall prepare man-*
 13 *agement plans for the Natural Area as provided in sub-*
 14 *section (b).*

15 (b) *DUTIES OF SECRETARY AND COMMISSION.*—

16 (1) *SECRETARY.*—*The Secretary shall prepare a*
 17 *management plan relating to the management of Fed-*
 18 *eral land in the Natural Area.*

19 (2) *COMMISSION.*—

20 (A) *IN GENERAL.*—*The Commission shall*
 21 *prepare a management plan relating to the man-*
 22 *agement of the non-Federal land in the Natural*
 23 *Area.*

24 (B) *APPROVAL OR DISAPPROVAL.*—

1 (i) *IN GENERAL.*—*The Commission*
 2 *shall submit to the Secretary the manage-*
 3 *ment plan prepared under subparagraph*
 4 *(A) for approval or disapproval.*

5 (ii) *ACTION FOLLOWING DIS-*
 6 *APPROVAL.*—*If the Secretary disapproves*
 7 *the management plan submitted under*
 8 *clause (i), the Secretary shall—*

9 (I) *notify the Commission of the*
 10 *reasons for the disapproval; and*

11 (II) *allow the Commission to sub-*
 12 *mit to the Secretary revisions to the*
 13 *management plan submitted under*
 14 *clause (i).*

15 (3) *COOPERATION.*—*The Secretary and the Com-*
 16 *mission shall cooperate to ensure that the manage-*
 17 *ment plans relating to the management of Federal*
 18 *land and non-Federal land are consistent.*

19 (c) *REQUIREMENTS.*—*The management plans shall—*

20 (1) *take into consideration Federal, State, and*
 21 *local plans in existence on the date of enactment of*
 22 *this Act to present a unified preservation, restoration,*
 23 *and conservation plan for the Natural Area;*

24 (2) *with respect to Federal land in the Natural*
 25 *Area—*

1 (A) be developed in accordance with section
2 202 of the Federal Land Policy and Management
3 Act of 1976 (43 U.S.C. 1712);

4 (B) be consistent, to the maximum extent
5 practicable, with the management plans adopted
6 by the Director of the Bureau of Land Manage-
7 ment for land adjacent to the Natural Area; and

8 (C) be considered to be an amendment to
9 the San Luis Resource Management Plan of the
10 Bureau of Land Management; and

11 (3) include—

12 (A) an inventory of the resources contained
13 in the Natural Area (including a list of property
14 in the Natural Area that should be preserved, re-
15 stored, managed, developed, maintained, or ac-
16 quired to further the purposes of the Natural
17 Area); and

18 (B) a recommendation of policies for re-
19 source management, including the use of inter-
20 governmental cooperative agreements, that—

21 (i) protect the resources of the Natural
22 Area; and

23 (ii) provide for solitude, quiet use, and
24 pristine natural values of the Natural Area.

1 (d) *PUBLICATION.*—*The Secretary shall publish notice*
 2 *of the management plans in the Federal Register.*

3 **SEC. 7. ADMINISTRATION OF NATURAL AREA.**

4 (a) *IN GENERAL.*—*The Secretary shall administer the*
 5 *Federal land in the Natural Area—*

6 (1) *in accordance with—*

7 (A) *the laws (including regulations) appli-*
 8 *cable to public land; and*

9 (B) *the management plan; and*

10 (2) *in a manner that provides for—*

11 (A) *the conservation, restoration, and pro-*
 12 *tection of the natural, historic, scientific, scenic,*
 13 *wildlife, and recreational resources of the Nat-*
 14 *ural Area;*

15 (B) *the continued use of the Natural Area*
 16 *for purposes of education, scientific study, and*
 17 *limited public recreation in a manner that does*
 18 *not substantially impair the purposes for which*
 19 *the Natural Area is established;*

20 (C) *the protection of the wildlife habitat of*
 21 *the Natural Area;*

22 (D) *a prohibition on the construction of*
 23 *water storage facilities in the Natural Area; and*

24 (E) *the reduction in the use of or removal*
 25 *of roads in the Natural Area and, to the max-*

1 *imum extent practicable, the reduction in or pro-*
 2 *hibition against the use of motorized vehicles in*
 3 *the Natural Area (including the removal of roads*
 4 *and a prohibition against motorized use on Fed-*
 5 *eral land in the area on the western side of the*
 6 *Rio Grande River from Lobatos Bridge south to*
 7 *the New Mexico State line).*

8 *(b) CHANGES IN STREAMFLOW.—The Secretary is en-*
 9 *couraged to negotiate with the State of Colorado, the Rio*
 10 *Grande Water Conservation District, and affected water*
 11 *users in the State to determine if changes in the streamflow*
 12 *that are beneficial to the Natural Area may be accommo-*
 13 *dated.*

14 *(c) PRIVATE LAND.—The management plan prepared*
 15 *under section 6(b)(2)(A) shall apply to private land in the*
 16 *Natural Area only to the extent that the private landowner*
 17 *agrees in writing to be bound by the management plan.*

18 *(d) WITHDRAWAL.—Subject to valid existing rights, all*
 19 *Federal land in the Natural Area is withdrawn from—*

20 *(1) all forms of entry, appropriation, or disposal*
 21 *under the public land laws;*

22 *(2) location, entry, and patent under the mining*
 23 *laws; and*

24 *(3) disposition under the mineral leasing laws*
 25 *(including geothermal leasing laws).*

1 (e) *ACQUISITION OF LAND.*—

2 (1) *IN GENERAL.*—*The Secretary may acquire*
 3 *from willing sellers by purchase, exchange, or dona-*
 4 *tion land or an interest in land in the Natural Area.*

5 (2) *ADMINISTRATION.*—*Any land or interest in*
 6 *land acquired under paragraph (1) shall be adminis-*
 7 *tered in accordance with the management plan and*
 8 *this Act.*

9 (f) *APPLICABLE LAW.*—*Section 5(d)(1) of the Wild*
 10 *and Scenic Rivers Act (16 U.S.C. 1276(d)(1)) shall not*
 11 *apply to the Natural Area.*

12 **SEC. 8. EFFECT.**

13 *Nothing in this Act—*

14 (1) *amends, modifies, or is in conflict with the*
 15 *Rio Grande Compact, consented to by Congress in the*
 16 *Act of May 31, 1939 (53 Stat. 785, ch. 155);*

17 (2) *authorizes the regulation of private land in*
 18 *the Natural Area;*

19 (3) *authorizes the imposition of any mandatory*
 20 *streamflow requirements;*

21 (4) *creates an express or implied Federal re-*
 22 *served water right;*

23 (5) *imposes any Federal water quality standard*
 24 *within or upstream of the Natural Area that is more*

1 *restrictive than would be applicable had the Natural*
2 *Area not been established; or*

3 *(6) prevents the State of Colorado from acquir-*
4 *ing an instream flow through the Natural Area under*
5 *the terms, conditions, and limitations of State law to*
6 *assist in protecting the natural environment to the ex-*
7 *tent and for the purposes authorized by State law.*

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 *There are authorized to be appropriated such sums as*
10 *are necessary to carry out this Act.*

11 **SEC. 10. TERMINATION OF COMMISSION.**

12 *The Commission shall terminate on the date that is*
13 *10 years after the date of enactment of this Act.*

Amend the title of the bill so as to read as follows:
“A bill to establish the Rio Grande Natural Area in the
State of Colorado, and for other purposes.”.

Calendar No. 627

108TH CONGRESS
2D Session

S. 1467

[Report No. 108-303]

A BILL

To establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes.

JULY 13, 2004

Reported with an amendment and an amendment to the title